Fourth Review Conference
of the Parties to the Treaty
on the Non-Proliferation of Nuclear Weapons

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ACTIVITIES OF THE INTERNATIONAL ATOMIC ENERGY AGENCY DURING THE PERIOD 1985–89 RELEVANT TO ARTICLE V OF THE TREATY ON THE NON-PROLIFEREATION OF NUCLEAR WEAPONS

(Prepared by the Secretariat of the IAEA
for the Fourth Review Conference of the Parties to NPT)

Activities of the IAEA during the period 1985–89 relevant to Article V of the NPT

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ARTICLE V OF THE NPT

"Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements".

FINAL DECLARATION OF THE THIRD REVIEW CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS
(NPT/CONF.III/64/I)

Review of the Operation of the Treaty and Recommendations

Article V

1. The Conference reaffirms the obligation of Parties to the Treaty to take appropriate measures to ensure that potential benefits from any peaceful applications of nuclear explosions are made available to non-nuclear-weapon States Party to the Treaty in full accordance with the provisions of Article V and other applicable international obligations, that such services should be provided to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used should be as low as possible and exclude any charge for research and development.

2. The Conference confirms that the IAEA would be the appropriate international body through which any potential benefits of the peaceful applications of nuclear explosions could be made available to non-nuclear-weapon States under the terms of Article V of the Treaty.

3. The Conference notes that the potential benefits of the peaceful applications of nuclear explosions have not been demonstrated and that no requests for services related to the peaceful applications of nuclear explosions have been received by the IAEA since the Second NPT Review Conference.

I. INTRODUCTION

1. Under Article III.A.1 of its Statute the Agency is authorized "to encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world" and to act on request "as an intermediary for the purposes of securing the performance of services ... by one member of the Agency for another".

2. The Agency's responsibility and technical compentence in connection with nuclear explosions for peaceful purposes (PNE) were recognized in the Final Declaration of the 1st Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons [1/], which was held in Geneva in May 1975. The Review Conference considered the IAEA to be the appropriate international body, referred to in Article V of the Treaty, through which potential benefits from peaceful applications of nuclear explosions could be made available to any non-nuclear-weapon State.

3. A series of resolutions adopted by the United Nations General Assembly have reaffirmed the role and work of the Agency in this area.

1/ NPT/CONF/35/I.

II AD HOC ADVISORY GROUP ON NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES

4. In 1975 the Agency's Board of Governors established an intergovernmental Ad Hoc Advisory Group on Nuclear Explosions for Peaceful Purposes.

5. One of the main tasks of the Advisory Group was to advise the Board, within the Agency's sphere of competence, on the structure and content of an agreement or agreements necessary under Article V of the NPT. The Group's report (GOV/1854, which was annexed to NPT/CONF.II/8) contained, inter alia, the possible content of such agreements in the form of a list of principles or matters to be considered in formulating international arrangements for providing nuclear explosions for peaceful purposes in accordance with NPT and the possible structure of agreements necessary under Article V of the NPT in the form of four main alternative international legal instruments for providing PNE's.

6. The report was submitted to the Board of Governors in 1977. The Board resolved:[2/]

- to keep the subject matter of the report under review and to continue consideration of the matter when appropriate;
- that the services of the Ad Hoc Advisory Group should continue to be available as required;
- to request the Director General to distribute the report to IAEA Member States and to the Secretary-General of the United Nations for the information of its Member States, and to keep the Member States and the Board informed of any developments concerning the subject matter of the report.

7. The Advisory Group has not met since then. It could be re-convened at any time that new developments or requests by Member States made this appropriate.

2/ GOV/DEC/94(XX)/Rev.1, decision (50), (51).

III. REQUESTS FOR PNE-RELATED SERVICES SINCE 1985

8. No requests for PNE-related services have been received by the Agency during the period under consideration, nor has the Agency been informed of any requests directed to those States Parties to NPT which possess nuclear explosive devices for PNE-related services.

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